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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,403	03/29/2001	Tore Fosse	VCC0082-US	3278

28694 7590 06/28/2002

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EXAMINER

DRAPER, DEANN L

ART UNIT PAPER NUMBER

3616

DATE MAILED: 06/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/681,403

Applicant(s)

FOSSE ET AL.

Examiner

Deanna L. Draper

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Acknowledgements***

The Amendment filed by the Applicant on April 10, 2002 is acknowledged. Claims 21 – 26 have been added.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 3616.

The indicated allowability of Claims 5 and 16 has been withdrawn.

***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on September 30, 1998. It is noted, however, that applicant has not filed a certified copy of the Swedish application as required by 35 U.S.C. 119(b).

***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show “a wall section of the bowl-shaped element at least partly forming a part of the means for inflating the airbag” as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claim 22 is objected to because of the following informalities: in line 12, "bow-shaped" should be --bowl-shaped--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 23 and 24 recite the limitation "the airbag" in line 11. There is insufficient antecedent basis for this limitation in the claim. Note that in line 7, the airbag has not been positively recited.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Young (US 5,480,184). Young discloses a hub (see Fig. 2) for fixing to a steering column (S in Fig. 2), a substantially conical bowl-shaped element (see Fig. 2) connected to the hub with at least one

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spoke (see Figs. 1, 2), the spoke further connecting the bowl-shaped element to a steering wheel rim (B in Fig. 1, 2), wherein the hub, bowl-shaped element, and at least one spoke are integrally formed as a single material item (see Fig. 2), the bowl-shaped element further comprising an upper shell part (24 in Fig. 2) and lower shell part (see area near 19 in Fig. 2), the upper shell part having larger outer dimensions than the lower shell part and the shell parts being connected by a ledge extending substantially in the radial direction relative to the longitudinal axis of the steering column (see Fig. 2), the bowl-shaped element also comprising a casing for enclosing an airbag and means for inflating the airbag (18 in Fig. 2), where a wall section of the bowl-shaped element at least partly forms part of the means for inflating the airbag (see area, attachment at 19 in Fig. 2).

Regarding Claims 8 and 19, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Regarding claims 3, 4, 13, 14 and 23 – 26, when the applicant claims an operation or characteristic of a device not explicitly disclosed in a prior art reference, the U.S. Patent and Trademark Office “possesses the authority to require the applicant to prove that the subject matter shown in the prior art does not possess the characteristics relied on.” *In re Ludtke and Sloan*, 169 USPQ 563, 566 (CCPA 1971). The applicant is required to prove that the subject matter shown would not have the weight distribution and dimensioning as claimed.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 6 – 12, 15, and 17 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cattaneo (US 5,921,146). Cattaneo discloses an air bag steering wheel with visible spokes, including a hub for fixing to a steering wheel (7 in Fig. 5), a substantially conically-shaped bowl-shaped element with an upper and lower shell (5, 6, in Fig. 5) connected to the hub (6 in Fig. 5) with at least two spokes (8 in Fig. 1) connected by a reinforcing element that is part of the bowl-shaped element (5 in Fig. 1) which connects the bowl-shaped element to a steering wheel rim (2 in Fig. 5), where the spoke is integrally formed with the bowl shaped element and hub as a single material item. Regarding the term “integrally formed”, it has been held that the term “integral” is sufficiently broad to embrace constructions united by such means of fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973). In this case, the bowl-shaped element, spoke, hub, and steering wheel are connected via fasteners (see Fig. 1). The bowl-shaped element further comprises a casing, which encloses an airbag and a means for inflating the airbag (Col. 1, lines 33 – 35). However, Cattaneo does not disclose a wall section of the bowl-shaped element at least partly forming a part of the means for inflating the airbag. It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrate the bowl-shaped element with the means for inflating the airbag, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 US 164.

Regarding Claims 8 and 19, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 6 – 12, 15, and 17 – 20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ford (US 6,325,408) discloses an air bag attachment arrangement. Ross (US 5,954,359) discloses an airbag. Seymour (US 5,772,239) discloses an airbag sub-module having fabric envelope with horn switch. Werner et al. (US 5,810,391) discloses a safety steering wheel. Ousset (US 3,744,817) discloses a combination steering wheel and safety device for automotive vehicle. Vian (US 6,290,254) discloses a steering wheel. Yokota (US 6,244,618) discloses a steering device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deanna L. Draper whose telephone number is 703-306-5939. The examiner can normally be reached on Monday - Friday, 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

**DEANNDICKSON  
PATENT EXAMINER**

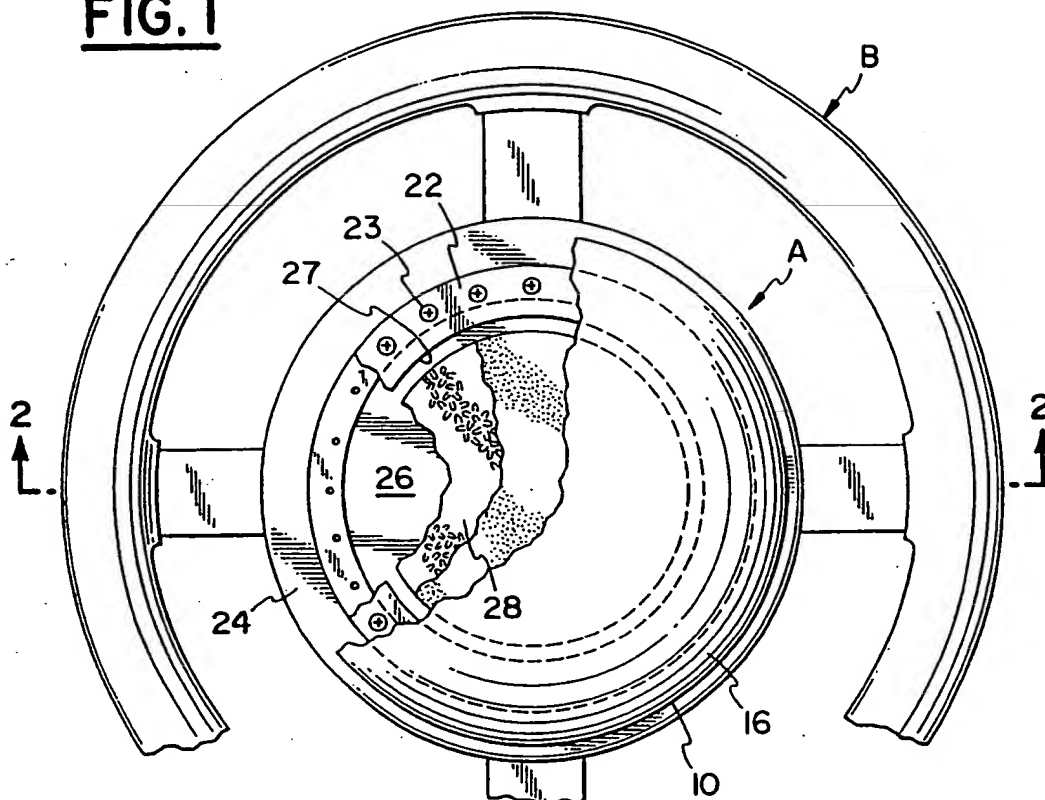
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June 24, 2002

 6/25/02  
**PAUL N. DICKSON  
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**FIG. 1**



**FIG. 2**

